

House Bill 97

By: Representatives Lindsey of the 54<sup>th</sup>, Wilkinson of the 52<sup>nd</sup>, Teilhet of the 40<sup>th</sup>, Tumlin of the 38<sup>th</sup>, Jacobs of the 80<sup>th</sup>, and others

## A BILL TO BE ENTITLED

### AN ACT

1 To amend Code Section 15-1-8 and Code Section 21-5-41 of the Official Code of Georgia  
2 Annotated, relating to when a judge or judicial officer is disqualified and the maximum  
3 allowable contributions, respectively, so as to provide for election reform in judicial,  
4 state-wide office, and General Assembly elections; to disqualify certain judges and Justices  
5 from hearing certain matters under certain circumstances; to limit certain contributions by  
6 political parties to candidates in nonpartisan judicial elections; to clarify provisions relating  
7 to the limitations on maximum allowable contributions by political parties; to provide for  
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

#### 10 SECTION 1.

11 Code Section 15-1-8 of the Official Code of Georgia Annotated, relating to when a judge or  
12 judicial officer is disqualified, is amended by revising subsection (a) as follows:

13 "(a) No judge or Justice of any court, magistrate, nor presiding officer of any inferior  
14 judicature or commission shall:

15 (1) Sit in any case or proceeding in which ~~he~~ such judge is pecuniarily interested;

16 (2) Preside, act, or serve in any case or matter when such judge is related by consanguinity  
17 or affinity within the sixth degree as computed according to the civil law to any party  
18 interested in the result of the case or matter; ~~or~~

19 (3) Sit in any case or proceeding in which ~~he~~ such judge has been of counsel, nor in which  
20 ~~he~~ such judge has presided in any inferior judicature, when ~~his~~ such judge's ruling or  
21 decision is the subject of review, without the consent of all parties in interest. In all cases  
22 in which the presiding judge of the superior court was employed as counsel before his or  
23 her appointment as judge, ~~he~~ such judge shall preside in such cases if the opposite party or  
24 counsel agree in writing that ~~he~~ the judge may preside, unless ~~he~~ the judge declines to do  
25 so; or

1 (4) Over the objection of any opposing party, preside, act, or serve in any case or matter  
2 when in the last previous or present election cycle such judge has accepted a campaign  
3 contribution in the amount of more than \$500.00 from a party interested in the result of  
4 the case or matter or a counsel for such party. The burden shall be on a party to provide  
5 notice, as soon as practical, to opposing counsel that such party or counsel for such party  
6 was a contributor to the judge. Within ten days of receiving such notice, a party receiving  
7 such notice shall file an objection to such judge presiding, acting, or serving in the case or  
8 matter, and the judge shall recuse himself or herself under such circumstances. If no  
9 objection is filed within ten days, or if the potential conflict is waived, the judge may  
10 preside, act, or serve in the case or matter."

## 11 **SECTION 2.**

12 Code Section 21-5-41 of the Official Code of Georgia Annotated, relating to maximum  
13 allowable contributions, is amended by revising subsection (j) as follows:

14 "(j) The contribution limitations provided for in this Code section shall not include  
15 contributions or expenditures made by a political party in support of a party ticket or a group  
16 of named candidates except in the case of expenditures in support of a group of named  
17 candidates if one or more of those candidates are candidates in a nonpartisan race for judicial  
18 office."

## 19 **SECTION 3.**

20 Said Code section is further amended by adding new subsections to read as follows:

21 "(l) The contribution limitations established by this Code section shall also apply to an  
22 independent committee or a political organization, as such term is defined in Section  
23 527(e)(1) of the Internal Revenue Code of 1986, which expends funds either for the purpose  
24 of affecting the outcome of an election for any elected office or to advocate the election or  
25 defeat of any particular candidate. Nothing contained in this subsection is intended to limit  
26 or abrogate the ability of individuals to exercise their right of free speech by expending  
27 personal funds on their own behalf for the purpose of affecting the outcome of an election  
28 for any elected office or to advocate the election or defeat of any particular candidate  
29 subject to the reporting and disclosure requirements of this chapter.

30 (m) No person shall create, establish, or organize more than one political organization, as  
31 such term is defined in Section 527(e)(1) of the Internal Revenue Code of 1986, with the  
32 intent to avoid or evade the contribution limitations provided in subsection (l) of this Code  
33 section."

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- SECTION 4.
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- All laws and parts of laws in conflict with this Act are repealed.